GIS REGISTRY INFORMATION

SITE NAME:	WAICO I & II			
BRRTS #:	02-41-343589	EID # (# -		
COMMERCE # (if appropriate):		FID # (If ap	propriate): 341060940	
CLOSURE DATE:	02/27/2004			
STREET ADDRESS:	1120 W. Vine St.			
CITY:	Milwaukee			
SOURCE PROPERTY GPS COOF WTM91 projection):		X=	688900 Y=	288870
CONTAMINATED MEDIA:	Groundwater		Soil	Both
OFF-SOURCE GW CONTAMINAT	ION >ES:	Yes	X No	Bott
IF YES, STREET ADDRESS 1:				
GPS COORDINATES (meters in W	/TM91 projection):	X=	Υ=	
OFF-SOURCE SOIL CONTAMINA Specific RCL (SSRCL):	TION >Generic or Site-	Yes	X No.	
IF YES, STREET ADDRESS 1:			_ X _No	
GPS COORDINATES (meters in W	TM91 projection):	X=	Y=	
CONTAMINATION IN RIGHT OF W	/AY:	Yes		
DOCUMENTS NEEDED:			_ x No	
Closure Letter, and any conditional cl	osure letter issued			
Copy of most recent deed, including I	egal description, for all at	ffected properties		x x
Certified survey map or relevant porticounty Parcel ID number, if used for o	On of the recorded plat m	an liferoforomond in the	egal description) for all affecte	
Location Map which outlines all properties	within contaminated site bound	derice en UCCO (-		х
potable wells within 1200' of the site.		is are exceeded, the map	must also include the location of all	municipal and
Detailed Site Map(s) for all affected pr and potable wells. (8.5x14", if paper copy) Ti relation to the source property and in relation to th. NR 720 generic or SSRCLs.	to the boundaries of groundwat	ter contamination exceedi	s, contaminant sources, utility lines public streets, highway and railroad ng ch. NR 140 ESs and soil contan	, monitoring wells I rights-of-way in nination exceeding
Tables of Latest Groundwater Analytic	al Results (no shading or	r cross-hatching)		×
Tables of Latest Soil Analytical Result	s (no shading or cross-ha	(tching)		×
Isoconcentration map(s), if required to extent of groundwater contamination defined.	avanabie, metade me la	itest extent of contamin:	ant nlume man	e flow direction and
GW: Table of water level elevations, w GW: Latest groundwater flow direction greater than 20 degrees)	ith sampling dates, and fi	roo product water it?		ow direction is
SOIL: Latest horizontal extent of cont	amination exceeding gen	eric or SSRCLs, with	one contour	x
Geologic cross-sections, if required fo	r Sl. (8.5x14' if paper copy	')	· ·	一
RP certified statement that legal descri Copies of off-source notification letters	ptions are complete and a	accurate		x
Letter informing ROW owner of residua		able\/nublic_51-5	"	\Box
Copy of (soil or land use) deed restricti	ion(s) or deed notice if an	able)(public, highway (or railroad ROW)	\vdash
,		y required as a condi	uon of closure	X



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Scott Hassett, Secretary Gloria L. McCutcheon, Regional Director Southeast Region Headquarters 2300 N. Dr. Martin Luther King, Jr. Drive P.O. Box 12436 Milwaukee, Wisconsin 53212-0436 Telephone 414-263-8500 FAX 414-263-8716 TTY 414-263-8713

February 27, 2004

Mr. Brian Poulin New Waico Development Co., LLP 177 High Street Portland, Maine 04101

SUBJECT:

Final Case Closure with Conditions Met

WAICO I & II, 1120 W. Vine St., Milwaukee, WI WDNR BRRTS #: 02-41-343589 FID#341060940

Dear Mr. Poulin:

On July 3, 2003 your site as described above was reviewed for closure by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On July 8, 2003, you were notified that conditional closure was granted to this case.

On November 10, 2003, the Department received correspondence indicating that you have complied with the conditions of closure. The Department received the recorded deed restriction and well abandonment forms. Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time. Furthermore, the NR 140.28 PAL exemption described in the conditional closure letter dated July 8, 2003 is now in effect.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414)263-8557.

Sincerely,

Margarét M. Brunette, P.G.

Hydrogeologist

Remediation & Redevelopment Program

Margaret M. Bruntte

cc: Bernard Fenelon - GZA





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Scott Hassett, Secretary Gloria L. McCutcheon, Regional Director Southeast Region Headquarters 2300 N. Dr. Martin Luther King, Jr. Drive P.O. Box 12436 Milwaukee, Wisconsin 53212-0436 Telephone 414-263-8500 FAX 414-263-8716 TTY 414-263-8713

July 8, 2003

Mr. Brian Poulin New Waico Development Co., LLP 177 High Street Portland, Maine 04101

Subject:

Conditional Case Closure With NR 140 Exemption WAICO I & II, 1120 W. Vine ST., Milwaukee, Wisconsin WDNR BRRTS # 02-41-343589 FID#341060940

Dear Mr. Poulin:

On July 3, 2003, your request for closure of the case described above was reviewed by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Department has determined that the lead and PAH contamination on the site from long term general use appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

MONITORING WELL ABANDONMENT

The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to Vicky Stovall on Form 3300-5B found at www.dnr.state.wi.us/org/water/dgw/gw/ or provided by the Department of Natural Resources.

DEED RESTRICTION FOR CONTAMINATED SOIL

To close this site, the Department requires a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment.

You have submitted a draft deed restriction. After the Department of Natural Resources has reviewed the draft document for completeness, you should sign it if you own the property, or have the appropriate property owner sign it, and have it recorded by the Milwaukee County Register of Deeds. Then submit a copy of the recorded document, with the recording information stamped on it, to Vicky Stovall. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.



A maintenance plan has been submitted and is being reviewed by the Department for the areas that need to remain covered for direct contact protection.

RESIDUAL SOIL CONTAMINATION

Residual soil contamination remains at B2, B4, and B16 (approximately the southern 1/3 of WAICO I) as indicated in the information submitted to the Department of Natural Resources. If soil in these locations is excavated in the future, the property owner at that time will be required to sample and analyze the excavated soil in order to determine whether the contamination still remains. The owner will also have to properly store, treat, or dispose of any excavated materials, based upon the results of that characterization, and take special precautions during excavation activities to prevent a direct contact threat to humans. The purpose of the notice is to notify all future owners that excavation of the contaminated soil may pose an inhalation or other direct contact hazard at the time of excavation.

When all of the above conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for lead at MW-1, MW-2, and MW-3 and various PAHs at MW-2, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

- 1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
- 2. Compliance with the PAL is either not technically or economically feasible.
- 3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
- 4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met because the detected compounds were limited in site soils and in most cases a second round of GW samples showed no detection of contaminants. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for lead at MW-1, MW-2, and MW-3 and benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, fluoranthene, phenanthrene, and pyrene at MW-2. This letter serves as your exemption.

If this is a PECFA site, section 101.143, Wis. Stats., requires that PECFA claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414)263-8557.

Sincerely,

Margaret M. Brunette Margaret M. Brunette, P.G

Hydrogeologist

Remediation & Redevelopment Program

cc: Bill Phelps, DG/2

John Osborne, GZA GeoEnvironmental, Inc.

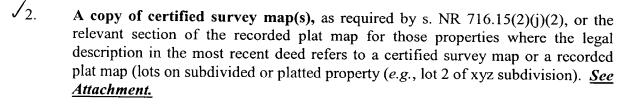
Checklist for Soil 615

SOIL ONLY

Complete 3/26/03 mw 02-41-343589

REQUIRED SITE INFORMATION AND GIS REGISTRY INFORMATION

Λ. Copy(s) of most recent deed, including legal description(s), for all affected properties within or partially within contaminated site boundary. (NOTE: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.) See Attachment.



- $\int_{3.}$ The parcel identification number (if county uses them) for each property within the contaminated site boundaries. Include the address of each property within the contaminated site boundary (regardless of whether parcel id # exists). Geographic position data for each property (meters in WTM83/91 projection) in compliance with the requirements of s. NR 716.15 (2)(k), unless this information was previously submitted to the agency with administrative authority for the site as part of the site investigation report, or unless the agency with administrative authority has directed that the responsible party does not need to provide geographic position data for a specific site. Parcel Identification Number (Tax Key) - 352-2631-110-4 and WTM83/91 projection coordinates obtained from the WDNR GIS Web page -688900, 288870.
- A site location map which outlines all properties within the contaminated site boundaries on a USGS topographic map or plat map in sufficient detail to permit the easy location of all parcels. If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200 feet of the site. (If only one property, combine with map required in next item #5.) See Figure No. B-1.
 - 5. A map of contaminated properties within the site boundary showing buildings. roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. This map shall also show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 enforcement standards, and/or in relation to the boundaries of soil contamination exceeding generic or site-specific residual contaminant levels as determined under s. NR 720.09, 720.11 and 720.19. See Figure No. B-2.
- 6. A table of the most recent analytical results, with sample collection dates from all monitoring wells, and any potable wells for which samples have been collected for groundwater, and/or showing results for all contaminants found in pre-remedial sampling and in the most recent soil sampling event, for soils (without shading or

crosshatching). (Note occurrence of free product.) <u>See Table B-1 for Soil</u>

<u>Analytical Results.</u> Groundwater Analytical Results Table not provided, as groundwater impacts are NOT known to exist on the Site.



- 7. An isoconcentration map, if required as part of the site investigation (SI), of the contaminated properties within the site boundaries. The map must include the areal extent of groundwater contamination exceeding PALS and the areal extent of groundwater contamination exceeding ESs, groundwater flow direction(s) based on the most recent data, and sample collection dates. If an isoconcentration map was not required as part of the SI, substitute a map showing the horizontal extent of contamination, based on the most recent data. Note free product location(s). Not Applicable, as groundwater impacts are NOT known to exist on the Site.
- 8. A table of the previous 4 water level elevation measurements from all monitoring wells, at a minimum, with the date measurements were made, is to be included. (If present, free product elevation and thickness is to be noted on the table.) Not Applicable as groundwater impacts are NOT known to exist on the Site.
- 9. A groundwater flow direction map representative of groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, 2 groundwater flow maps showing the maximum variation in flow direction are to be submitted. (Maps should be prepared according to the applicable portions of ss. NR 716.15(2)(g)5-8 and 716.15(2)(h)1-2). Not Applicable, as groundwater impacts are NOT known to exist on the Site.
- 10. For sites closing with residual soil contamination, include a map showing the location of all soil samples and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds generic or site specific residual contaminant levels. See Figure No. B-2.
- 11. A geologic cross section, if required as part of the SI, showing vertical extent and location of residual soil contamination exceeding generic or site specific RCLs and residual groundwater contamination, source extent and location, isoconcentrations for all groundwater contaminants that exceed PALs that remain when closure is requested; water table and peizometric elevations, and the location and elevation of geologic units, bedrock, and confining units, if any. Not Applicable, as all impacts considered a risk at the Site are due to direct contact risk and groundwater impacts are NOT known to exist at the Site.
- 12. A statement signed by the responsible party, which states that he or she believes that the legal description has been attached for each property that is within, or partially within, the contaminated site boundary. (The point here is that a legal description for each of the contaminated properties has been submitted. The RP is not required to attest to the accuracy of the attached legal descriptions.) <u>See Attachment.</u>

13. A copy of the letters sent by the RP to all owners of properties with groundwater exceeding ESs (including the current source-property owner, if the RP is not the current source-property owner) as required by s. NR 726.05(3)(a)(4)(g). (Off source properties are listed separately on the GIS Registry with a link to the source property.) Letters must contain standard provisions of Appendix A of ch. NR 726. Not Applicable, as groundwater impacts are NOT known to exist at the Site.



14. A copy of all written notifications provided to the City/village/municipal/state agency or other entity responsible for maintenance of a public street or highway or railroad right-of-way, within or partially within the boundaries of the contaminated site, for contamination exceeding groundwater ESs and/or soil exceeding generic or site specific RCLs. Not Applicable, as off-Site impacts are NOT known to exist originating from the Site.

Document Number

Title of Document

REGISTER'S OFFICE | SS Milwaukee County, WI

RECORDED AT 10:10 AM

05-09-2002

IGNATIAS J. NIEMCZYK REGISTER OF DEEDS

AMOUNT 19.00

Record this document with the Register of Deeds

Name and Return Address: Christopher L. Kopecky, Esq. Foley & Lardner 150 East Gilman Madison, WI 53703

352-2611-113-X 352-2631-110-4 351-0502-110-9

(Parcel Identification Number)

TRANSFER \$6,964.5€

7277

×

0860

0861

Document Number

WARRANTY DEED [WISCONSIN]

This Deed, made between WAICO APARTMENTS ASSOCIATES LIMITED PARTNERSHIP (aka WAICO APARTMENTS ASSOCIATES), a Wisconsin limited partnership ("Grantor"), and NEW WAICO DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Wisconsin limited partnership ("Grantee"),

WITNESSETH, That the said Grantor, for a valuable consideration conveys to Grantee the following described property in Milwaukee County, State of Wisconsin:

See Exhibit "A" attached hereto.

THIS SPACE RESERVED FOR RECORDING DATA

Name and Return Address

Christopher L. Kopecky, Esq. Foley & Lardner 150 East Gilman Madison, Wisconsin 53703

This is not homestead property

Parcel Identification Number

Together with all and singular hereditaments and appurtenances thereunto belonging:
And Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, general taxes levied in the year of closing and will warrant and defend the same.

Dated this 7th day of May , 2002.

By: WAICO APARTMENTS ASSOCIATES LIMITED PARTNERSHIP (aka WAICO APARTMENTS ASSOCIATES), a Wisconsin limited partnership By: THE NATIONAL HOUSING PARTNERSHIP, a District of Columbia limited partnership, its general partner By: NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS, a District of Columbia corporation, its general partner By: Lance Graber Executive Vice President	
Signature(s) authenticated this Law, 2002. TITLE: MEMBER STATE BAR OF WISCONSIN (If not, authorized by § 706.06, Wis. Stats.) THIS INSTRUMENT WAS DRAFTED BY: John P. Yentz, Esq. von Briesen, Purtell & Roper, s.c. P.O. Box 3262 411 E. Wisconsin Avenue, Suite 700 Mikwaukee, Wisconsin 53201-3262 (414) 276-1122	Personally came before me this

LEGAL DESCRIPTION

PARCEL I

Parcel A of Certified Survey Map No 2302 being a part of the Northwest 1/4 of Section 20, in Township 7 North, Range 22 East, being a Redivision of part of Block 22 of Lynde and Vliet's Addition, said Redivision to include all of Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 15, 16, 17 and 24 and Parts of Lots 8, 13, 14, 18, 21, 22, 23 and all of the Reserved Parcel in the West 1/2 of said Block and part of the Reserved Parcel in the East 1/2 of said Block 22, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, recorded on April 11, 1971, Reel 779, Images 359 to 362 inclusive, as Document No. 4832720. Also, the North 5 feet of Lot 18, all of Lots 19 and 20, the South 15 feet and the Westerly 71 feet of the North 15 feet of Lot 21, and the Westerly 71 feet of Lot 22 and 23, in Block 22, in Lynde and Vliet's Addition, being a part of the West 1/2 of the Northwest 1/4 of Section 20, in Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin. Also, The West 66 feet of Lot 13 and the South 1 foot of the West 66 feet of Lot 14, Block 22, and the North 1/2 of vacated North Vine Street adjoining on the South, in Lynde and Vliet's Addition, being a part of the West 1/2 of the Northwest 1/4 of Section 20, in Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin. Also, that part of Block 22 in Lynde and Vliet's Addition in the Northwest 1/4 of Section 20, in Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin described as follows: The South 30 feet of the North 170 feet of the East 150 feet of reserved land and the West 35 feet of the vacated street adjoining. Also, the South 1/2 of vacated West Reservoir Avenue adjacent to the North, the North 1/2 of vacated West Vine Street adjacent to the South, and the West 1/2 of Vacated North 11th Street adjacent to the East. Also the East 1/2 of vacated North 11th Street South of the North 1/2 of extended West Reservoir Street and North adjacent to the North line extended of West Vine Street, excepting therefrom an area of land in the Southeasterly corner of said portion of vacated North 11th Street being bounded and described as follows: Commencing at the Southeast corner of Certified Survey Map No. 2302, said point also being the intersection of the West line of vacated North 11th Street and the North line of vacated West Vine Street; thence due East along the North line of vacated West Vine Street 51.59 feet to the point of beginning; thence North 7° 11' 59" East 156.09 feet to a point on the East line of vacated North 11th Street; thence South 0° 25' 35" West along said East line 155.00 feet to a point on the North line of vacated West Vine Street; thence due West along said North line 18.41 feet to the point of beginning

Address: 1107 W. Reservoir Avenue

Tax Key No.: 352-2611-113-X

PARCEL II

That part of the Northwest 1/4 of Section 20, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin (being a redivision of part of Block 6 and the vacated alley of Vliet's Addition and part of Block 93 of the plat of the Town of Milwaukee on the West Side of the River, and a part of Certified Survey Map No. 2334), bounded and described as follows:

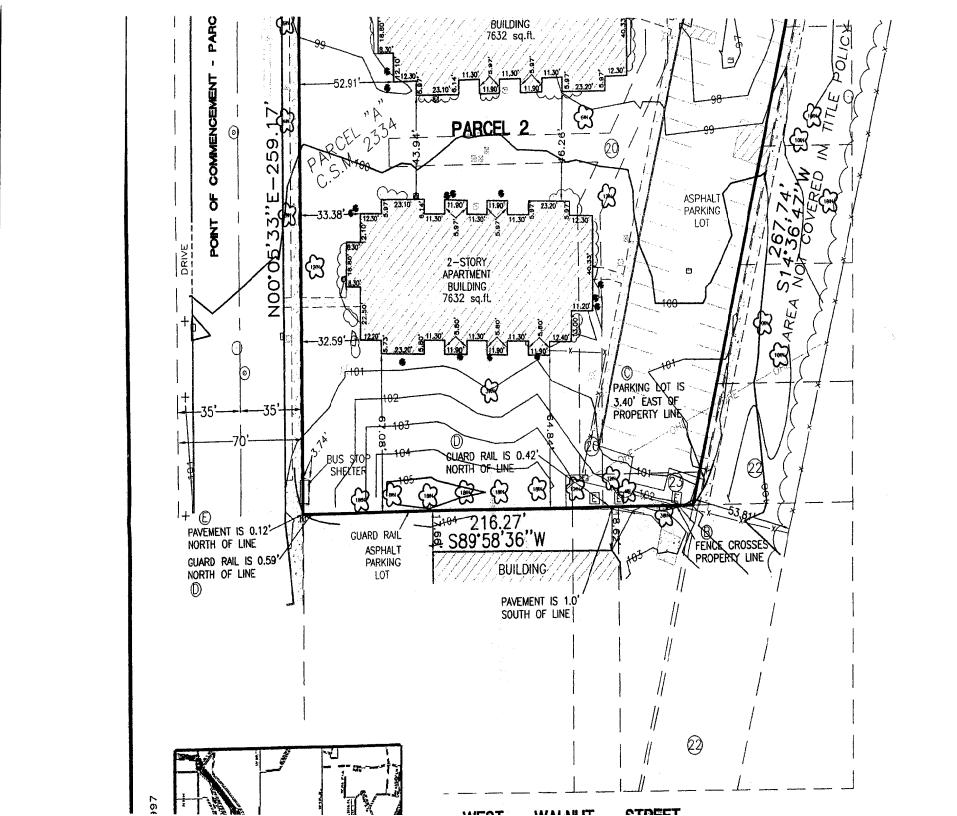
Commencing at the Northwest corner of said Block 6, said point lying in the South line of West Vine Street and the East line of North 12th Street; thence South 0° 05' 33" West, along the East line of North 12th Street, 259.17 feet to a point in the South line of said Block 6; thence North 89° 58' 39" East, along the South line of said Block 6, 216.27 feet to a point in the Westerly line of said North 11th Street, thence North 14° 36' 47" East, along the Westerly line of said North 11th Street, 267.74 feet to a point in the South line of West Vine Street; thence West along the South line of West Vine Street, 283.40 feet to the point of commencement, excepting that part conveyed by Warranty Deed recorded as Document No. 4943967, and including the South 1/2 of vacated West Vine Street adjacent to the North.

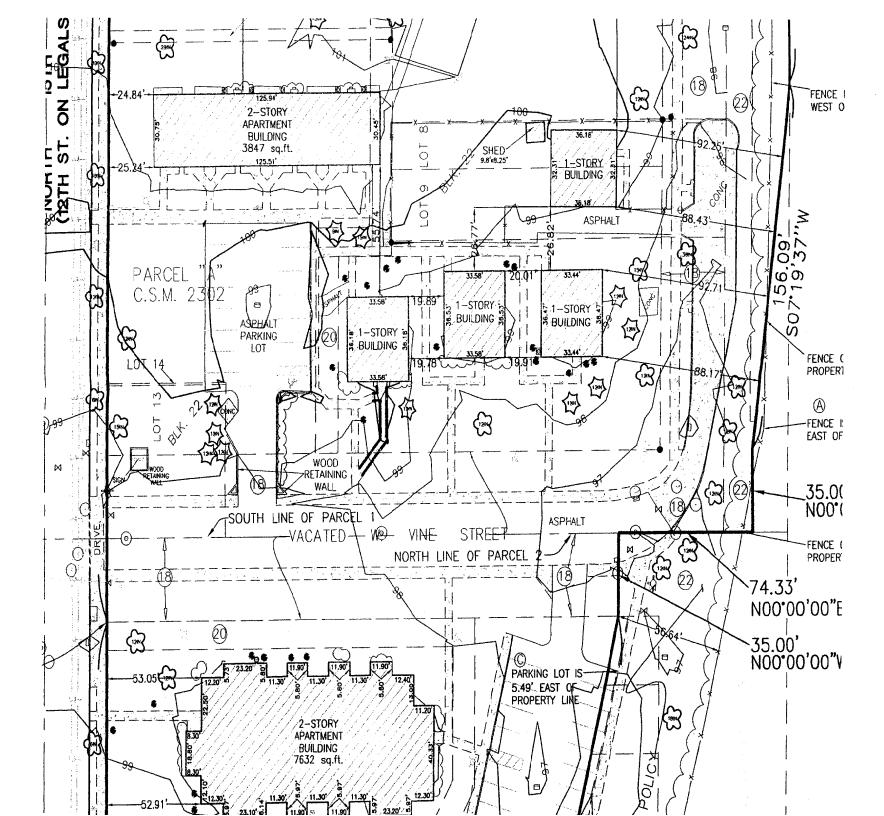
Address: 1726 N. 12th Street Tax Key No.: 352-2631-110-4

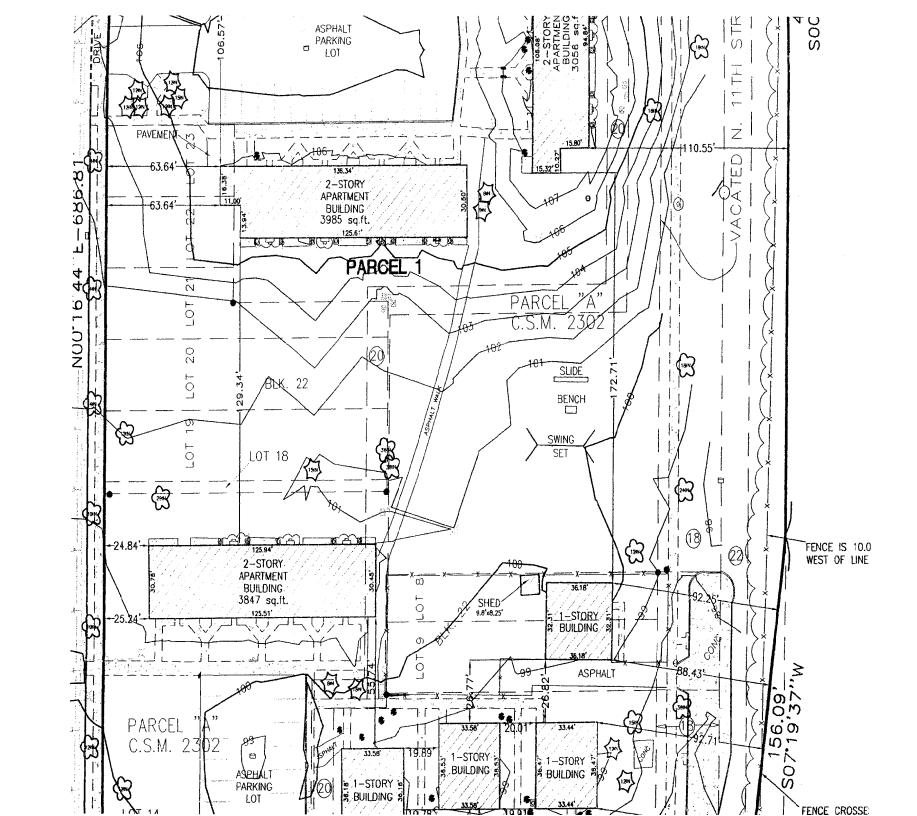
PARCEL III

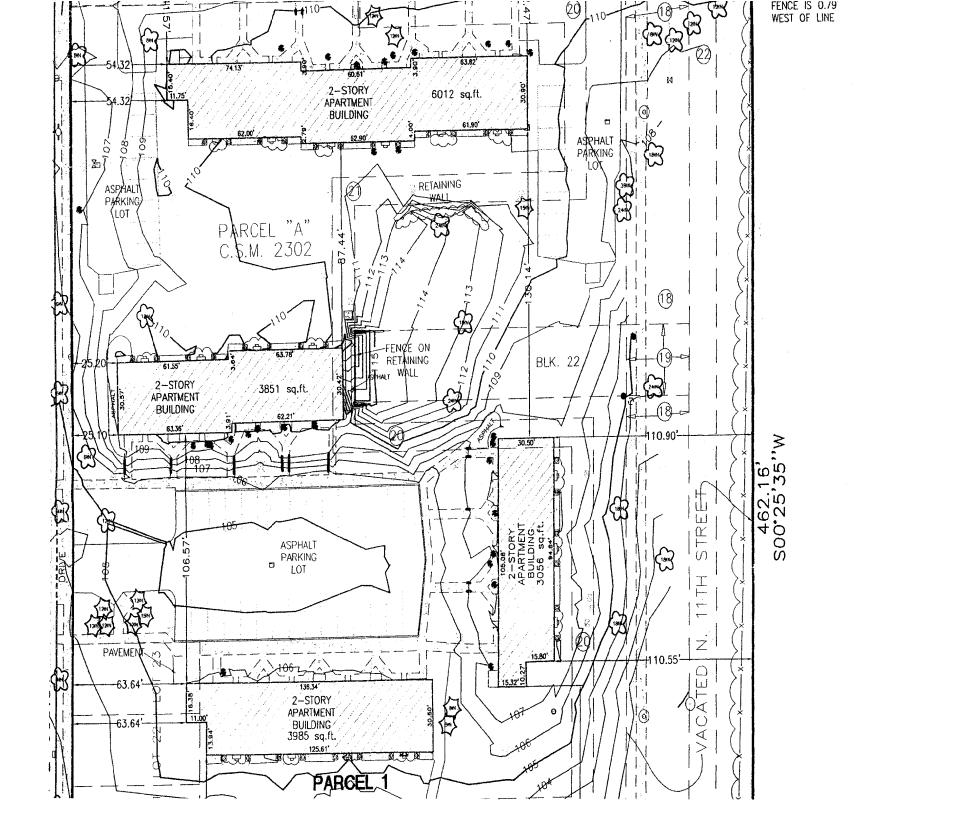
That part of Block 8 in Eimermann's Subdivision and Block 8 in Assessment Subdivision No. 36, located in the Northeast 1/4 of Section Nineteen 19, in Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Southeast corner of Block 8 in Assessment Subdivision No. 36, said point lying in the West line of North 13th Street and the North line of West Vine Street; thence West along the North line of West Vine Street extended, being the South line of said Block 8 of Assessment Subdivision No. 36, 20.00 feet to a point in the Northeasterly line of vacated West Jiran Place, being the Southwesterly line of said Block 8 of Assessment Subdivision No.36; thence North 46° 47' 03" West along said Northeasterly line of vacated West Jiran Place, 536.87 feet to a point in the East line of North 14th Street; thence North 0° 14' 23" East along the said East line, 30.36 feet to a point being 209.77 feet South 0° 14' 23" West of the South line of West Reservoir Street; thence South 89° 19' 18" East, parallel to said South line, 150.51 feet to a point; thence South 0° 12' 25" West, 6.75 feet to a point; thence South 89° 19' 18" East, 261.52 feet to a point in the West line of North 13th Street, said point being 216.52 feet South 0° 08' 42" West of the South line of West Reservoir Street, thence South 0° 08' 42" West, along said West line, 386.34 feet to the point of commencement.

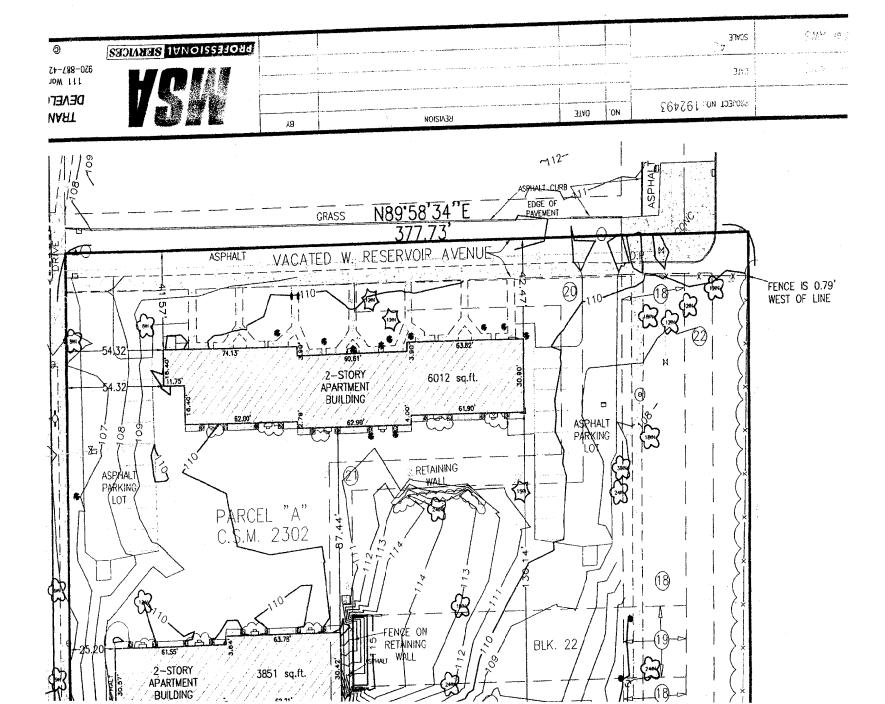
Address: 1823 N. 13th Street Tax Key No.: 351-0502-110-9

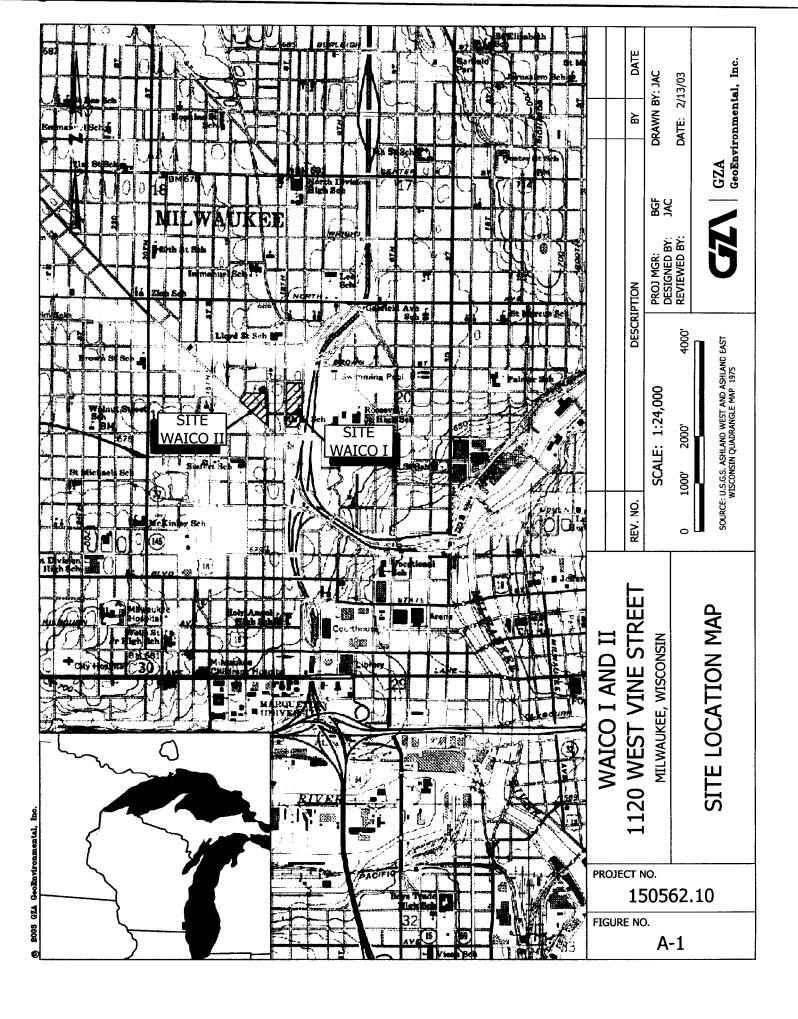












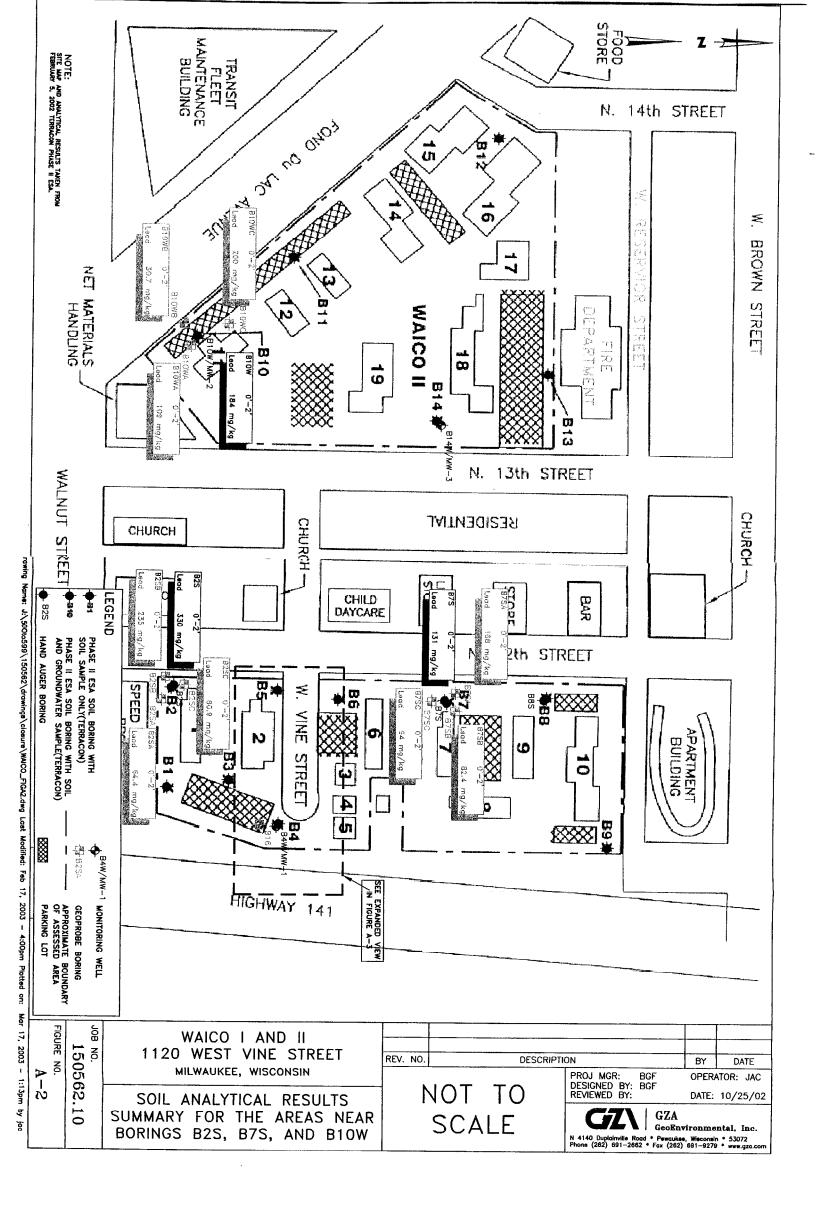


TABLE B-1 SOIL ANALYTICAL RESULTS New Waico Development Co., LLP WAICO I Facility 1120 West Vine Street Milwaukee, Wisconsin

							·	SAMPI	E NUME	BER AND	DEPTH						1.00-00-00
PARAMETER	WISCONSIN	B2S	B2S(A)	B2S(B)	B2S(C)	S(C) B4W		B15	B16	B17	B18	B19	9 B25		B26		B27
	STANDARDS	(0'-2')	(0'-3')	(0'-3')	(0'-3')	(1'-7')	(7'-11')	(0-4')	(0'-4')	(0-4')	(0-4')	(0-4')	(1'-2')	(4'-6')	(1-2')	(4'-6')	(0'-1')
.)	NR 720 RCLs			77													
Total Lead	50	330.	64.4	235.	80.9	-	_	9.07	14,900	6.85	23	10.7	5.15	36.9	23	109.	63.9
PAHs	D. C. RCLs													:			
Acenaphthene	900	-	-	-	-	<0.0629	-	0.02	-	-	< 0.0518	<0.0049	< 0.519	< 0.631	<0.52	<0.503	<0.534
Acenaphthylene	18	-	-	-	-	<0.0884		<0.00707	-		<0.0728	<0.00688	< 0.728	< 0.886	<0.73	<0.707	<0.75
Anthracene	5,000	-		-	.	0.636	-	0.0746	-	-	0.423	0.014	< 0.11	< 0.134	<0.111	<0.107	<0.114
Benzo (a) Anthracene	0.088	-	-	-	-	1.07	-	0.139	-	-	1.05	0.0497	< 0.453	< 0.55	< 0.454	< 0.439	0.77
Benzo (a) Pyrene	0.0088	-	-	-	-	0.961	-	0.156	-	-	0.928	0.0677	< 0.254	< 0.309	0.289	<0.246	1.07
Benzo (b) Fluoranthene	0.088	-	-	-	-	1.09	-	0.161	-	-	1.02	0.0725	0.343	<0.282	0.373	<0.225	1.08
Benzo (k) Fluoranthene	0.88	-	-	-	-	0.458	-	0.064	-	-	0.416	0.0288	< 0.32	< 0.389	<0.321	<0.31	0.925
Benzo (ghi) Perylene	1.8	-	-	-	-	0.797	-	0.152	-	-	0.846	0.0698	< 0.232	<0.282	0.299	<0.225	2.1
Chrysene	8.8	-	-	-	-	0.91	-	0.12	-	-	0.84	0.0502	0.372	<0.309	0.283	<0.246	0.741
Dibenzo (a,h) Anthracene	0.0088	-	-	•	-	0.526	-	0.15	-	-	0.918	0.0797	0.252	<0.188	0.322	0.208	3.2
Fluoranthene	600	-	-	-	-	2.99	-	0.388	-	-	2.44	0.127	3.7	<0.134	0.951	3.02	1.61
Fluorene	600	-	-	-	-	0.242	-	0.0312		-	0.0981	0.00407	< 0.221	<0.268	<0.221	< 0.214	<0.227
Indeno (1,2,3-cd) Pyrene	0.088	-	-	-	•	0.705	-	0.13	-	-	0.722	0.0588	< 0.177	<0.215	<0.177	< 0.171	0.824
l-Methyl Naphthalene	1,100	-	-	-	-	0.073	-	0.0101	-	-	0.0513	<0.00365	< 0.386	<0.47	<0.387	< 0.375	<0.398
2-Methyl Naphthalene	600	-	-	-	-	< 0.0549	-	0.0122	-	-	<0.0452	<0.00428	< 0.453	<0.55	< 0.454	< 0.439	<0.466
Naphthalene	20	-	-	-	-	< 0.0214	-	0.00996	-	-	< 0.0176	0.00355	< 0.177	<0.215	< 0.177	<0.171	<0.182
Phenanthrene	18	-	-	-	-	1.79	-	0.251	-	-	0.916	0.0545	0.524	<0.309	< 0.254	< 0.246	0.452
Pyrene	50	-	-			2.49	-	0.335	- ,	-	2.14	0.117	1.91	< 0.134	0.884	1.66	1.39

Notes:

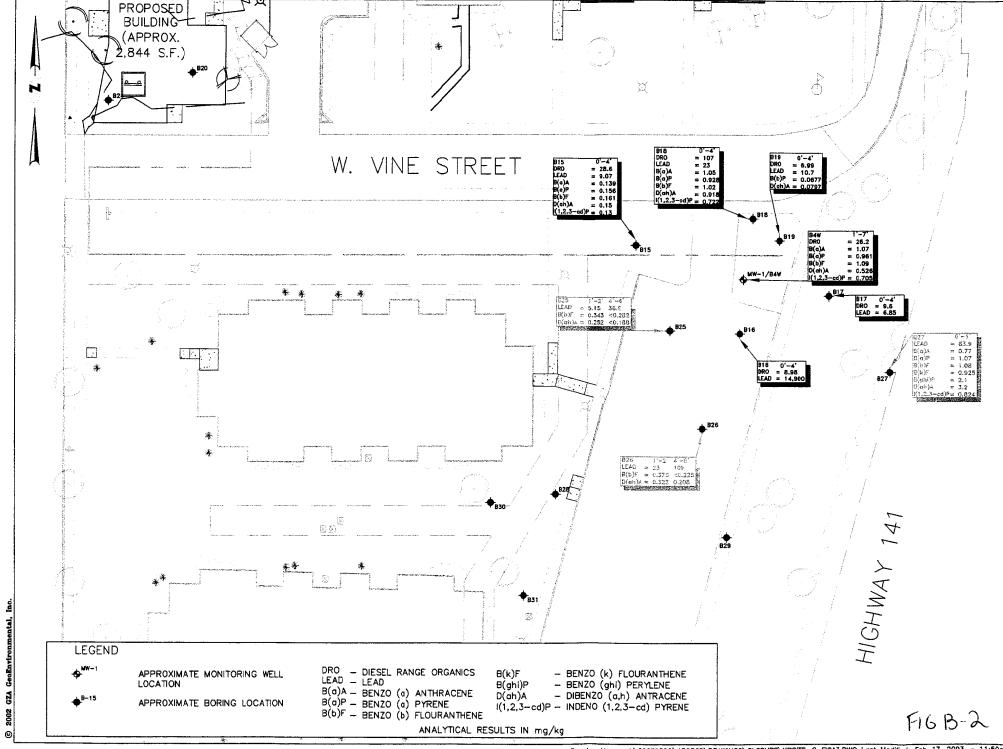
- 1. Soil samples from B2S, B4W, B7S, B10W, B-15, B-16, B-17, B-18, and B-19 were collected by GZA GeoEnvironmental, Inc. (GZA) on May 31, 2002. Soil samples from borings B2S, B7S and B10W A, B, and C and B25, B26, and B27 were collected by GZA from Geoprobe boings installed by North Shore Drilling on September 11, 2002.
- 2. Samples were analyzed by USFilter/Enviroscan using Method EPA 6010 for Total Lead and Method EPA 8310 for Polynuclear Aromatic Hydrocarbons (PAHs). Results are presented in milligrams per kilogram (mg/kg).
- 3. "-" denotes sample was not analyzed for the parameter.
- 4. Wisconsin Administrative Code (WAC) Chapter NR 720 Residual Contaminant Levels (RCLs) are provided for reference where established.
- 5. The RCLs for PAH compounds are the Non-Industrial Direct Contact (D. C.) RCLs provided in the April 1997 Wisconsin Department of Natural Resources (WDNR) Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons Interim Guidance.
- 6. Results exceeding the RCLs (NR720 and Interim Guidance) are bold.

TABLE A-1 SOIL ANALYTICAL RESULTS New Wakeo Development Co., LLP WAICO I Facility 1120 West Vine Street Milwaukee, Wisconsin

												SAM	PLE NUM	BER AND	DEPTH						·	···			
PARAMETER	WISCONSIN	B2S	B2S(A)	B2S(B)	B2S(C)	B4	4W	B7S	B7S(A)	B7S(B)	B7S(C)	B10W	B10W(A)	B10W(B)	B10W(C)	B15	B16	B17	B18	B19	В	25	В	26	B27
	STANDARDS	(0'-2')	(0'-3')	(0'-3')	(0'-3')	(1'-7')	(7'-11')	(0'-2')	(0'-3')	(0'-3')	(0'-3')	(0-2')	(0'-3')	(0'-3')	(0'-3')	(0-4')	(0'-4')	(0-4')	(0-4')	(0-4')	(1'-2')	(4'-6')	(1-2')	(4'-6')	(0'-1')
	NR 720 RCLs		T T					<u> </u>							 		<u> </u>		 ` ´	T	 ` 	 ` 	\ /	1	(6.7)
Total Lead	50	330.	64.4	235.	80.9			131.	168.	82.4	94.0	184.	109.	30.7	200.	9.07	14,900	6.85	23	10.7	5.15	36.9	23	109.	63.9
PAHs	D. C. RCLs															7.07	14,200	0.05	1 23	10.7	3.13	30.7	23	109.	63.9
Acenaphthene	900		-	-		<0.0629		-		-				-	_	0.02			< 0.0518	<0.0049	<0.519	<0.631	<0.52	<0.503	<0.534
Acenaphthylene	18		-	-		<0.0884		-	-					-		<0.00707	_	ĺ		<0.00688		< 0.886	<0.73	<0.707	<0.75
Anthracene.	5,000		-	-	[.	0.636			-	-	-	-	-		-	0.0746	-		0.423	0.014	<0.11	<0.134	<0.111	<0.107	<0.114
Benzo (a) Anthracene	0.088	•	-	-		1.07	-	•	-	-	-			-	-	0.139	-		1.05	0.0497	< 0.453	<0.55	<0.454	<0.439	0.77
Benzo (a) Pyrene	0.0088	-	-	-		0.961		-	-	-	-	-		-	_	0.156			0.928	0.0677	<0.254	<0.309	0.289	<0.246	1.07
Benzo (b) Fluoranthene	0.088	- :	-	-		1.09	-	-		-	-	-	-	-		0.161	-		1.02	0.0725	0.343	<0.282	0.373	<0.225	1.08
Benzo (k) Fluoranthene	0.88	-	-	-		0.458	-	-	-	-	-		-	-		0.064		-	0.416	0.0288	<0.32	<0.389	<0.321	<0.31	0.925
Benzo (ghi) Perylene	1.8		-	-		0.797			_		-		_	_	_	0.152	-	_	0.846	0.0698	<0.232	<0.282	0.299	<0.225	2.1
Chrysene	8.8	-	-	-		0.91		-			-		-	_	_	0.12		_	0.84	0.0502	0.372	<0.309	0.283	<0.246	0.741
Dibenzo (a,h) Anthracene	0.0088	-	-	-	-	0.526		-		-	-	1.		-		0.15			0.918	0.0797	0.252	<0.188	0.322	0.208	3.2
Fluoranthene	600		-	-		2.99		-		_	_		_	_	_	0.388	_		2.44	0.127	3.7	<0.134	0.951	3.02	1.61
Fluorene	600	-	- 1	-		0.242	_	-	_	- :			_	.	_	0.0312	_	_	0.0981	0.00407	<0.221	<0.268	<0.221	<0.214	<0.227
indeno (1,2,3-cd) Pyrene	0.088	-	•	-		0.705	-		-	-			-	-		0.13			0.722	0.0588	<0.177	<0.215	<0.177	<0.171	0.824
1-Methyl Naphthalene	1,100			-		0.073	-		-						_	0.0101				< 0.00365	<0.386	<0.47	< 0.387	<0.375	<0.398
2-Methyl Naphthalene	600	-	-	-		<0.0549		_							_	0.0122	_	_		< 0.00428	<0.453	<0.55	<0.454	<0.439	<0.466
Naphthalene	20	-	-	-		<0.0214	-		-	-	-		-	-	-	0.00996	-			0.00355	<0.177	<0.215	<0.177	<0.171	<0.182
Phenanthrene	18			-		1.79		_	.		-		_	-		0.251		_	0.916	0.0545	0.524	< 0.309	<0.254	<0.171	0.182
Pyrene	50					2.49	-	-				-	- :	-		0.335	-	_	2.14	0.117	1.91	< 0.134	0.884	1.66	1.39

Notes:

- 1. Soil samples from B2S, B4W, B7S, B10W, B-15, B-16, B-17, B-18, and B-19 were collected by GZA GeoEnvironmental, Inc. (GZA) on May 31, 2002. Soil samples from borings B2S, B7S and B10W A, B, and C and B25, B26, and B27 were collected by GZA from Geoprobe boings installed by North Shore Drilling on September 11, 2002.
- 2 Samples were analyzed by USFilter/Enviroscan using Method EPA 6010 for Total Lead and Method EPA 8310 for Polynuciear Aromatic Hydrocarbons (PAHs). Results are presented in milligrams per kilogram (mg/kg).
- 3. "-" denotes sample was not analyzed for the parameter.
- 4. Wisconsin Administrative Code (WAC) Chapter NR 720 Residual Contaminant Levels (RCLs) are provided for reference where established.
- 5. The RCLs for PAH compounds are the Non-Industrial Direct Contact (D. C.) RCLs provided in the April 1997 Wisconsin Department of Natural Resources (WDNR) Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons Interim Guidance.
- 6. Results exceeding the RCLs (NR720 and Interim Guidance) are bold.





THE WISHCAMPER GROUP

NATIONAL HOUSING SPECIALISTS

March 12, 2003

On behalf of New Waico Development Company, LLP, I believe that the legal description for the contaminated property has been attached.

New Waico Development Company, LP By: Striper Moon, LLC, General Partner By: The Wishcamper Group, LLC, Member

William A Houlihan Member

REGISTER OF DEEDS JOHN LA FAVE 11-04-2003 2:01 PM

8669879

RESTRICTIONS

41.00

[263377-263377]

CERT. MISC FEE: 1.00 CERTIFIED COPY FEE: 11.00 RECORDING FEE: 29.00

TOTAL: 41.00

CHECK: 41.00

PHONE # 278-4005 174866

é

Document Number

DEED RESTRICTION

Declaration of Restrictions

In Re:

That part of the NW 1/4 of Sec. 20, T7N, R22E, in the City of Milwaukee, County of Milwaukee, State of Wisconsin (being a redivision of part of Block 6 and the vacated alley of Vliet's Addition and part of Block 93 of the plat of the Town of Milwaukee on the W Side of the River, and a part of Certified Survey Map No. 2334), bounded and described as follows:

Commencing at the NW corner of said Block 6, said point lying in the S line of West Vine St. and the E line of North 12th St.; thence S 0° 05' 33" W along the E line of North 12th St., 259.17 feet to a point in the S line of said Block 6; thence N 89° 58' 39" E along the S line of said Block 6, 216.27 feet to a point in the Westerly line of said North 11th St., thence N 14° 36' 47" E, along the Westerly line of said North 11th St., 267.74 feet to a point in the S line of West Vine St.; thence W along the S line of West Vine St., 283.40 feet to the point of commencement, excepting that part conveyed by Warranty Deed recorded as Document No. 4943967, and including the S ½ of vacated West Vine St. adjacent to the N.

STATE OF WISCONSIN

COUNTY OF MILWAUKEE

WHEREAS, New Waico Development Company Limited Partnership is the owner of the above-described property.

REGISTER'S OFFICE Milwaukee County, WI RECORDED AT 2:01 PM 11-04-2003

JOHN LA FAVE REGISTER OF DEEDS

AMOUNT 29.00

Recording Area

Name and Return Address Brian Poulin New Waico Development Company Limited Partnership 177 High Street Portland, Maine 04101

#352-2631-110-4

Parcel Identification Number (PIN)

WHEREAS, one or more hydrocarbon and lead discharges have occurred on this property, and as of May 31 and September 11, 2002, when soil samples were collected on this property, lead impacted soil remained on the property in the vicinity of Boring B2S and polynuclear aromatic hydrocarbon- and lead-impacted soil remained on this property in the vicinity of borings B4 and B16, east of Building No. 2, south of Vine Street and extending to the fence along Highway 141 (Interstate I43), as shown on Figure No. B-2, labeled "Soil Analytical Results Summary for Parcel Listed on GIS Registry."

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

The vegetated and paved surface conditions that existed on the above-described property in the location shown on the attached Figure No. 1, labeled "Cap Maintenance Area" on the date that this restriction was signed shall be maintained in compliance with the "Waico I Cap Maintenance Plan for 1726 North 12th Street" dated March 17, 2003 (copy attached as Exhibit A) that was submitted to the Wisconsin Department of Natural Resources by GZA GeoEnvironmental, Inc. on behalf of New Waico Development Company Limited Partnership, as required by section NR 724.13(2), Wis. Adm. Code (1997), unless another barrier, that limits direct contact with shallow soil, is installed and maintained in its place.

In addition, the following activities are prohibited on any portion of the above-described property where a vegetative cap is present that prevents direct contact with soil or where impervious surfaces exist (See Figure No. 1), unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Digging, excavating or grading of the land surface; (2) Gardening, plowing or cultivating the soils for agricultural or other purposes; and 3) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the vegetative cap or impervious surface. Department approval is not necessary in order to place topsoil or plant grass seed on any portion of the property where a vegetative cap is present.

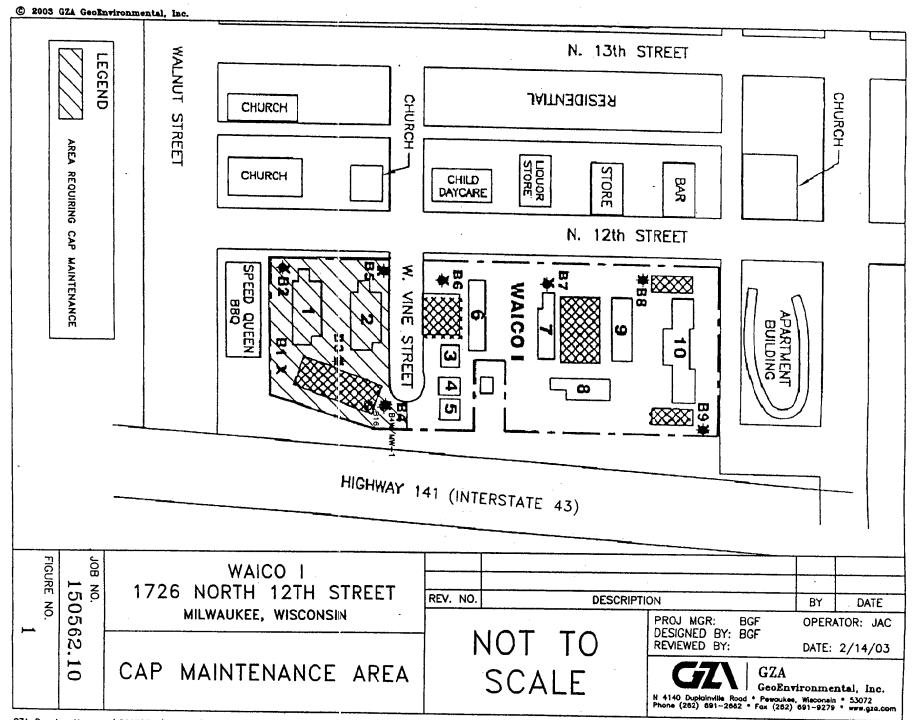
This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

notice that this deed restriction, or portions of this deed restriction, are no longer binding.
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this
Signature: Printed Name: Brian Toulin By: Stheer Hoon, LLC, Cereal Parline Title: By The Wishermy or Group, LLC, Member Subscribed and sworn to before me this
Notary Public, State of Maine

This document was modified by GZA GeoEnvironmental, Inc. from a WDNR model deed document.

This instrument was drafted by Bernard F. Fenelon, GZA GeoEnvironmental, Inc., N4140 Duplainville Road, Pewaukee, Wisconsin 53072.



CAP MAINTENANCE PLAN WAICO I 1726 North 12th Street Milwaukee, Wisconsin March 17, 2003

Maintenance of surface conditions ("Cap Maintenance") is required in accordance with a Deed Restriction for the southern parcel of the WAICO I property located at 1726 North 12th Street in Milwaukee, Wisconsin ("Site"). This Cap Maintenance Plan provides background information on Site conditions, presents the activities that are restricted on the Site because of the existing conditions and describes an on-going maintenance process that will limit the potential for future environmental concern at Site.

BACKGROUND

Environmental investigations at the Site have shown that historical activities have caused certain chemicals to accumulate in the soil at concentrations above currently established regulatory limits in the State of Wisconsin. These chemicals include lead and polynuclear aromatic hydrocarbons (PAH compounds). The primary concern related to the presence of these chemicals is through repeated direct contact with the soil that underlies portions of the Site. In response, a deed restriction has been place on the Site that prohibits the following activities:

- 1. Digging, excavating, or grading of the land surface; or
- 2. Gardening, plowing, or cultivating the soils for agricultural or other purposes.

Prior written approval must be obtained from the Wisconsin Department of Natural Resources or its successor or assigns for any of the prohibited activities to be carried out.

The current grass coverings over landscaped areas and the asphalt or concrete surfaces in parking and walkways represent suitable barriers that restrict the public from coming in direct contact with chemicals in the soil. Therefore, as a requirement of the deed restriction, this Cap Maintenance Plan has been developed as a guideline to be used by the property owner and its maintenance staff to regularly inspect and detect changed conditions in the cap that would allow public exposure to soils underlying the Site.

PURPOSE

The purpose of the Cap Maintenance Plan is to ensure that the existing grassy and paved surfaces at the Site remain suitably in place to act as barriers prohibiting direct contact with underlying soils that may contain elevated levels of certain chemicals. The Plan also provides a schedule and protocol for carrying out inspections that will facilitate consistency when examining surface conditions.

CAP MAINTENANCE PLAN

The attached Figure No. 1 presents the area over which the Cap Maintenance Plan must be implemented. As of the date of this Plan, the surface conditions or "caps" within this area include the following:

- 1. Vegetative Cover including all unpaved, lawn and landscaped areas that are grass covered with occasional shrubs and trees;
- 2. Pavement Areas including all asphalt or concrete paved surfaces that comprise parking areas, driveways and walkways; and
- 3. Buildings including areas underlying Building No. 1, Building No. 2 and all other existing ancillary structures.

<u>Inspections</u>

To ensure that the surface conditions are maintained, the following actions shall be required:

- 1. Monthly inspections shall be performed and documented by the WAICO I maintenance staff designated by the Site owner.
- 2. The inspection shall consist of walking across grassed and paved surfaces to allow a complete inspection. In grassy areas, it should be noted that the grass mat is continuous and healthy, and that areas of bare ground do not exist. For paved surfaces, the presence of continuous pavement should be noted. Occasional cracking of the asphalt or concrete surface is allowed as long as the cracks do not represent areas where loosening and removal of the pavement is likely to occur. Limitations of the inspection should be noted, such as during winter months when snow cover prohibits direct observation of the ground condition.
- 3. Worn pavement and/or lack of vegetative cover that results in soil being visible at the surface shall be repaired as soon as possible by restoring the pavement or reestablishing the vegetative cover.
- 4. Written documentation of the results of each inspection and actions taken to repair or restore surface conditions shall be maintained on the Site.

A Monthly Cap Inspection and Maintenance Log that could be used by WAICO I maintenance staff to document surface conditions, comments and maintenance actions is attached.

Areas Requiring Maintenance

When inspections reveal the deterioration of the cap that expose or potentially expose the underlying soils the following actions should be used as a guideline:

- 1. The likely cause(s) of the condition should be identified, prevented and documented.
- 2. To repair grass-covered areas, proper reseeding of the affected area should be conducted. In many cases, organic-rich topsoil should be added to the surface prior to applying seed. Cultivating or loosening the existing soils in an exposed or worn area shall <u>not</u> be conducted.
- 3. If larger scale vegetation die-off occurs due to drought, fungus infestation, or other conditions, a lawn maintenance contractor should be consulted for the best means to restore the area.
- 4. To repair deteriorated paved surfaces, in most cases a concrete or asphalt contractor should be consulted. If removal of broken pavement is conducted, the gravel base course which also serves as a barrier to the underlying soil should remain in place to the extent practical.
- 5. A copy of this Cap Maintenance Plan shall be provided to any contractor performing work on the grassy or paved surfaces at the Site.

Preventative Maintenance

The surfaces at the Site are most likely to maintain their integrity and long life if certain conventional preventative maintenance steps are taken. In areas where grass surfaces are to be maintained, healthy vegetation is best achieved through:

- Occasional irrigation and fertilizing;
- Over-seeding areas where grass density is thin;
- Preventing regular wear or erosion caused by misdirected storm water and runoff, unwarranted walk-through traffic, or other types of excessive use that will deteriorate the grass density and lead to exposure of underlying soils.

For asphalt surfaces, maintenance steps should include such activities as:

- Asphalt sealing on an annual or bi-annual basis; and
- Caulking of cracks, as needed, to prevent water penetration, frost heave and loosening of the pavement.

A combination of regular inspections, preventative maintenance and a thorough approach toward repairing worn or damaged surfaces will serve to meet the full intention of the Cap Maintenance Plan for the Site.

Technical Support

Should questions or concerns arise by the owner or the maintenance staff designated to implement the Cap Maintenance Plan, they can contact the following:

GZA GeoEnvironmental, Inc.

Telephone:

262-691-2662

Facsimile:

262-691-9279

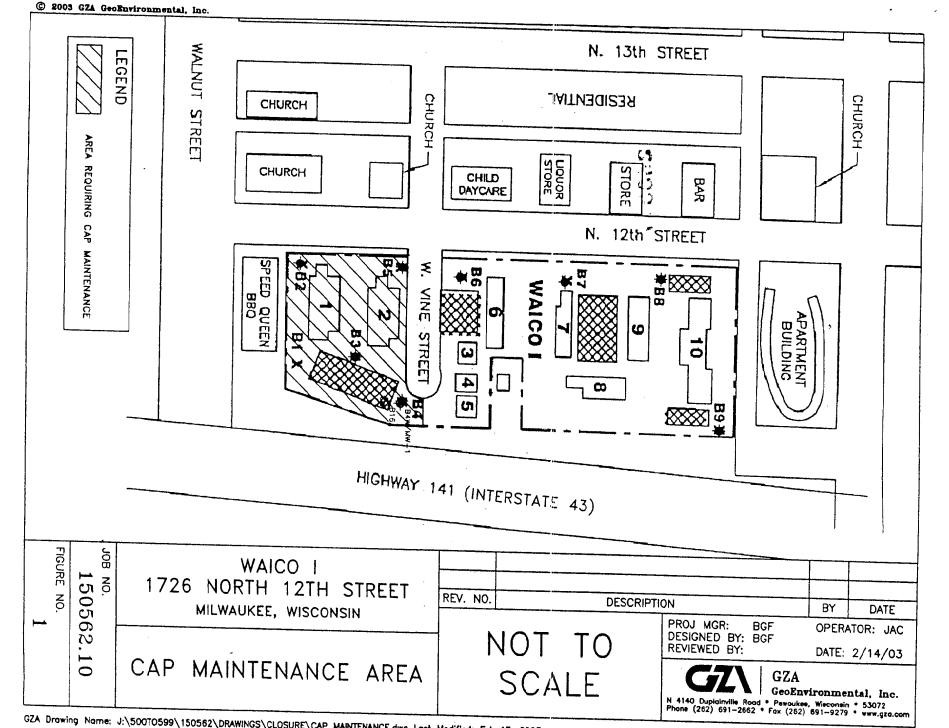
INSPECTION AND MONTHLY CAP MAINTENANCE LOG

WAICO I 1726 North 12th Street Milwaukee, Wisconsin 2003

	·		Condi	tions of V	egetative	Cover		Conditio	ns of Paven	ent			
Month	Date of Inspection	Name of Inspector	Grassy Contin Across U Are	nuous Inpaved		of Bare d Noted	Conti Across Area	nent is nuous Parking s and ways	Pavement Conditions are Unchanged Since Previous Inspection		Describe Any Actions Taken to Repair Defects or Comments (Attach detailed Documentation)		
		****	Yes	No	Yes	No	Yes	No	Yes	No			
January													
February													
March													
April													
May							·			·			
June													
July													

INSPECTION AND MONTHLY CAP MAINTENANCE LOG

			Condit	ions of V	egetative	Cover		Conditio	ns of Paveme	ent			
Month	Date of Inspection	Name of Inspector	Grassy Contin Across U	nuous Inpaved		of Bare d Noted	Conti Across Area	nent is nuous Parking s and ways	Pavement Conditions are Unchanged Since Previous Inspection		Describe Any Actions Taken to Repair Defects or Comments (Attach detailed Documentation)		
	·		Yes	No	Yes	No	Yes	No	Yes	No			
August							·						
September													
October													
November													
December													



263377

CERTIFICATE NO.

STATE OF WISCONSIN MILWAUKEE COUNTY

> OFFICE OF REGISTER OF DEEDS



I, the undersigned Register of Deeds of Milwaukee County, hereby certify that this document is a true and correct copy of the original on file or record in this office.

Witness my hand and official seal this

Jahr Jo (W

phy La Fave